**THE HON'BLE MR. JUSTICE V.V.S.RAO**

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**WRIT PETITION No.18414 of 2005**

**22.9.2005**

Between:

1. Chodavaram Lakshmaiah, S/o.Late Ramanaiah,

Pathaganigunta, Ramamurthy Nagar, Nellore Corporation,

Nellore District. And others.

… Petitioners.

AND

1. The Government of A.P., rep. By its Principal Secretary,

Municipal Administration and Urban Development,

Secretariat Buildings, Hyderabad.

And others.

… Respondents.

ORDER:

The petitioners who are 19 in number along with some more persons filed W.P.No.24946 of 2000. In the said writ petition, they prayed for a declaration that the action of the Commissioner, Nellore Municipality, now the Nellore Municipal Corporation, (the third respondent herein), the District Collector, Nellore (the second respondent herein) and one P.Yamnua (the seventh respondent herein) in trying to evict the petitioners from their huts and preventing them to carry out repairs to their burnt houses situated at Pathaganigunta, Rammurthy Nagar, Nellore as illegal and arbitrary.

A Division Bench of this Court by order dated 22.11.2004 disposed of the W.P.No.24946 of 2000 in the following manner:

> Therefore, we will dispose of the writ petitions with direction to the respondents that within a period of four months from the date of receipt of the writ order, they will take appropriate decision in the matter and ensure that the layout plan and Master Plan are duly adhered to and all encroachments, if any, are removed from the portion. Within the same period, the State Government must consider the proposal of the municipal authority whether or not the Master Plan is to be modified or amended. In case, the Government decides not to amend the Master Plan, the encroachments must be removed within the period mentioned above and it will be for the respondents to act in accordance with law in demarcating and laying the

approach road as per the layout plan.

The petitioners allege that the respondents 1 to 4 herein without passing any orders, pursuant to the above directions, are resorting to evict the petitioners and allegedly visited the huts on 17.8.2005. They also allege that the staff of the fifth respondent i.e., the Mandal Revenue Officer, Nellore informed the petitioners orally that they would be evicted and their huts will be demolished. Apprehending dispossession by coercive action, the present writ petition is filed.

Heard the learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General). As rightly pointed out by the learned Assistant Government Pleader, the competent authority for implementing the Master Plan and also to take a decision whether or not to modify the Master Plan is the Nellore Municipal Corporation. Unless and until they initiate the proposals, Government cannot pass any orders modifying or altering the Master Plan, which provides for a 40 feet wide road in the land in Pathaganigunta. Therefore, this writ petition is disposed of directing the Nellore Municipal Corporation to take necessary steps in accordance with the directions of the Division Bench of this Court in W.P.No.24946 of 2000 dated 22.11.2004. The writ petition is filed on mere apprehensions and this Court observes that unless and until the directions of the Division Bench of this Court are implemented, the possession of the petitioners shall not be disturbed, if they are in possession.

The writ petition, with the above observations and directions, is disposed of. No costs.

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**(V.V.S.RAO, J)**

September 22, 2005.

NOTE:

Issue copy of the order

by 24.9.2005.

(B/o)

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